

Senate Engrossed
FILED
KEN BENNETT
SECRETARY OF STATE

State of Arizona
Senate
Forty-ninth Legislature
Second Regular Session
2010

CHAPTER 187

SENATE BILL 1190

AN ACT

AMENDING SECTION 32-1207, ARIZONA REVISED STATUTES; RELATING TO THE STATE BOARD OF DENTAL EXAMINERS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 32-1207, Arizona Revised Statutes, is amended to
3 read:

4 32-1207. Powers and duties; fees; definition

5 A. The board shall:

6 1. Adopt rules not inconsistent with this chapter for the regulation
7 of its own conduct, for holding examinations and for regulating the practice
8 of dentists and supervised personnel and registered business entities,
9 provided:

10 (a) Regulation of supervised personnel is based on the degree of
11 education and training of the supervised personnel, the state of scientific
12 technology available and the necessary degree of supervision of the
13 supervised personnel by dentists.

14 (b) Except as provided pursuant to section 32-1281, only licensed
15 dentists may perform diagnosis and treatment planning, prescribe medication
16 and perform surgical procedures on hard and soft tissues.

17 (c) Only a licensed dentist, or dental hygienist in consultation with
18 a dentist, may perform examinations, oral health assessments and treatment
19 sequencing for dental hygiene procedures.

20 2. Adopt a seal.

21 ~~3. Keep a record of its proceedings and reports.~~

22 3. MAINTAIN A RECORD THAT SHALL REMAIN AVAILABLE TO THE BOARD AT ALL
23 TIMES OF ITS ACTS AND PROCEEDINGS, INCLUDING THE ISSUANCE, DENIAL, RENEWAL,
24 SUSPENSION OR REVOCATION OF LICENSES AND THE DISPOSITION OF COMPLAINTS. THE
25 EXISTENCE OF A PENDING COMPLAINT OR INVESTIGATION SHALL NOT BE DISCLOSED TO
26 THE PUBLIC. RECORDS OF COMPLAINTS SHALL BE AVAILABLE TO THE PUBLIC, EXCEPT
27 ONLY AS FOLLOWS:

28 (a) IF THE BOARD DISMISSES OR TERMINATES A COMPLAINT, THE RECORD OF
29 THE COMPLAINT SHALL NOT BE AVAILABLE TO THE PUBLIC.

30 (b) IF THE BOARD HAS ISSUED A NONDISCIPLINARY LETTER OF CONCERN, THE
31 RECORD OF THE COMPLAINT SHALL BE AVAILABLE TO THE PUBLIC ONLY FOR A PERIOD OF
32 FIVE YEARS AFTER THE DATE THE BOARD ISSUED THE LETTER OF CONCERN.

33 (c) IF THE BOARD HAS REQUIRED ADDITIONAL NONDISCIPLINARY CONTINUING
34 EDUCATION PURSUANT TO SECTION 32-1263.01 BUT HAS NOT TAKEN FURTHER ACTION,
35 THE RECORD OF THE COMPLAINT SHALL BE AVAILABLE TO THE PUBLIC ONLY FOR A
36 PERIOD OF FIVE YEARS AFTER THE LICENSEE SATISFIES THIS REQUIREMENT.

37 (d) IF THE BOARD HAS ASSESSED A NONDISCIPLINARY CIVIL PENALTY PURSUANT
38 TO SECTION 32-1208 BUT HAS NOT TAKEN FURTHER ACTION, THE RECORD OF THE
39 COMPLAINT SHALL BE AVAILABLE TO THE PUBLIC ONLY FOR A PERIOD OF FIVE YEARS
40 AFTER THE LICENSEE SATISFIES THIS REQUIREMENT.

41 4. Establish a uniform and reasonable standard of minimum educational
42 requirements consistent with the accreditation standards of the American
43 dental association commission on dental accreditation to be observed by
44 dental schools and dental hygiene schools in order to be classified as
45 recognized dental schools or dental hygiene schools.

- 1 5. Establish a uniform and reasonable standard of minimum educational
2 requirements that are consistent with the accreditation standards of the
3 United States department of education or the council on higher education
4 accreditation and that must be observed by denture technology schools in
5 order to be classified as recognized denture technology schools.
- 6 6. Determine the reputability and classification of dental schools,
7 dental hygiene schools and denture technology schools in accordance with
8 their compliance with the standard set forth in paragraph 4 or 5 of this
9 subsection, whichever is applicable.
- 10 7. Issue licenses to those it determines are eligible for licensure
11 pursuant to this chapter.
- 12 8. Determine the eligibility of applicants for restricted permits and
13 issue restricted permits to those found eligible.
- 14 9. Pursuant to section 32-1263.02, investigate charges of misconduct
15 on the part of licensees and persons to whom restricted permits have been
16 issued.
- 17 10. Issue a letter of concern, which is not a disciplinary action, but
18 refers to practices that may lead to a violation and to disciplinary action.
- 19 11. Issue decrees of censure, fix periods and terms of probation,
20 suspend or revoke licenses, certificates and restricted permits, as the facts
21 may warrant, and reinstate licenses, certificates and restricted permits in
22 proper cases.
- 23 12. Collect and disburse monies.
- 24 13. Perform all other duties that are necessary to enforce this chapter
25 and that are not specifically or by necessary implication delegated to
26 another person.
- 27 14. Establish criteria for the renewal of permits issued pursuant to
28 board rules relating to general anesthesia and sedation.
- 29 B. The board may:
 - 30 1. Sue and be sued.
 - 31 2. Issue subpoenas, including subpoenas to the custodian of patient
32 records, compel attendance of witnesses, administer oaths and take testimony
33 concerning all matters within its jurisdiction. If a person refuses to obey
34 a subpoena issued by the board, the refusal shall be certified to the
35 superior court and proceedings shall be instituted for contempt of court.
 - 36 3. Adopt rules:
 - 37 (a) Prescribing requirements for continuing education for renewal of
38 all licenses issued pursuant to this chapter.
 - 39 (b) Prescribing educational and experience prerequisites for the
40 administration of intravenous or intramuscular drugs for the purpose of
41 sedation or for use of general anesthetics in conjunction with a dental
42 treatment procedure.
 - 43 (c) Prescribing requirements for obtaining licenses for disabled or
44 retired licensees, including the triennial license renewal fee.

- 1 4. Hire consultants to assist the board in the performance of its
2 duties and employ persons to provide investigative, professional and clerical
3 assistance as it deems necessary.
- 4 5. Contract with other state or federal agencies as required to carry
5 out the purposes of this chapter.
- 6 6. Order and evaluate physical, psychological, psychiatric and
7 competency testing of licensed dentists and dental hygienists and certified
8 denturists and candidates for licensure and certification as the board
9 determines necessary.
- 10 C. Members of the board are personally immune from liability with
11 respect to all acts done and actions taken in good faith and within the scope
12 of their authority.
- 13 D. The board by rule shall require that a licensee obtain a permit for
14 the application of general anesthesia, semiconscious sedation or conscious
15 sedation, shall establish and collect a fee of not more than three hundred
16 dollars to cover administrative costs connected with issuing the permit and
17 shall conduct inspections to assure compliance.
- 18 E. The board by rule may establish and collect fees for license
19 verification, board meeting agendas and minutes, published lists and mailing
20 labels.
- 21 F. NOTHING IN THIS SECTION PROHIBITS THE BOARD FROM CONDUCTING ITS
22 AUTHORIZED DUTIES IN A PUBLIC MEETING.
- 23 G. FOR THE PURPOSES OF THIS SECTION, "RECORD OF COMPLAINT" MEANS THE
24 DOCUMENT REFLECTING THE FINAL DISPOSITION OF A COMPLAINT OR INVESTIGATION.

APPROVED BY THE GOVERNOR APRIL 27, 2010.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 28, 2010.